IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE EIGHTEENTH DAY OF APRIL

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.7615 OF 2006

Between:

T.Venkateswara Rao, S/o. T.Viswanatham,

aged about 45 years, R/o. Jangareddigudem,

West Godavari district & Ors. … Petitioners

Versus

The Gram Panchayath,

Represented by its Secretary,

Jangareddigudem,

West Godavari District. … Respondent

Counsel for the Petitioner: Sri M.V.S.Sai Kumar (4388)

Counsel for the Respondent: GP for Panchayat Raj &

Rural Development

Sri R.Prabhakar Rao

O R D E R :

It is stated that the first petitioner is the absolute owner of the lands admeasuring Acs:1-52 in sy.no.638/17, Ac:1-83 in survey no.638/4, Ac:1-18 in survey no.638/5, Ac:1-33 in survey no.638/12, Ac:1-20 in survey no.5638/13, Ac:0-97 in survey no.638/14 and Ac:1-70 in survey no.638/15 situated at Jangareddigudem of West Godavari district.

It is stated that the second petitioner is the absolute owner of the land admeasuring Ac:1-00 in survey no.638/18 situated at Jangareddigudem, West Godavari district.

It is stated that the third petitioner is also the absolute owner of the land admeasuring Ac:1-00 in survey no.638/18 situated at Jangareddigudem, West Godavari district.

The grievance of the petitioners is that the Gram Panchayat, Jangareddigudem is opening a new burial ground adjacent to the land of the petitioners by passing a Resolution to that effect on 22-8-2005 and trying to implement the said resolution.

It is stated that the said resolution is contrary to law and against the provisions of Section 85 to 91 of the A.P. Panchayat Raj Act, 1994. Now the petitioners seek a direction to the respondent and its officials not to open a new burial ground adjacent to their lands without following due process of law.

Considering the facts and circumstances of the case, I am of the opinion that the writ petition itself is not maintainable on the ground that the petitioner has not made any representation before any of the concerned authorities and without making any representation the petitioners have straightaway approached this court.

In so far as legal objection is concerned, I am of the opinion that section 85 and 86 applies to the private individuals for opening of the burial ground but not to the Gram Panchayat.

Under Section 87 of the AP Gram Panchayat Act, the Gram Panchatyat is entitled for use of any place as burial ground.

Section 89 and 90 of the Act also applies to the private persons but not to the Gram Panchayat.

Therefore, I am of the opinion that there is no legal hitch for opening burial ground by the Gram Panchayat in the land belonging to the Gram Panchayat.

The writ petition is therefore devoid of merits and is accordingly dismissed at the admission stage.

APRIL 18th, 2006. ----------

I s L. V. ESWARAIAH , J.